

HOUSE BILL 1353

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By: **Delegates O'Donnell, Barve, Branch, Haddaway-Riccio, and Hammen**

Rules suspended

Introduced and read first time: March 21, 2011

Rules suspended

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Food Service Facility – Rodenticide Placed on Food Prepared for**
3 **Human Consumption**

4 FOR the purpose of expanding the crime of contaminating food with poison to include
5 the knowing placement of a rodenticide or other substance used to kill rodents
6 on or in contact with food that will be prepared for human consumption in a
7 food service facility; defining certain terms; and generally relating to the crime
8 of placing a rodenticide on food prepared for human consumption in a food
9 service facility.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 3–214
13 Annotated Code of Maryland
14 (2002 Volume and 2010 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Health – General
17 Section 21–301(a) and (h)
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2010 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Criminal Law**

23 3–214.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) A person may not knowingly and willfully contaminate, attempt to
2 contaminate, or conspire to contaminate the water of a source or tributary of a water
3 supply, including the waters of a well, spring, brook, lake, pond, stream, river, or
4 reservoir by adding disease germs, bacteria, poison, or poisonous matter, if the water
5 supply is used or is usable for drinking or domestic purposes.

6 (b) **(1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**
7 **THE MEANINGS INDICATED.**

8 **(II) “FOOD SERVICE FACILITY” HAS THE MEANING STATED**
9 **IN § 21–301(H) OF THE HEALTH–GENERAL ARTICLE.**

10 **(III) “POISON” INCLUDES A RODENTICIDE OR OTHER**
11 **SUBSTANCE USED TO KILL RODENTS.**

12 **(2)** A person may not:

13 **(I)** knowingly and willfully contaminate, attempt to
14 contaminate, or conspire to contaminate any drink, food, food product, or food supply
15 by adding disease germs, bacteria, poison, or poisonous matter; **OR**

16 **(II) IN A FOOD SERVICE FACILITY, KNOWINGLY PLACE**
17 **POISON ON OR IN CONTACT WITH FOOD THAT WILL BE PREPARED FOR HUMAN**
18 **CONSUMPTION.**

19 (c) A person who violates this section is guilty of a felony and on conviction is
20 subject to imprisonment not exceeding 20 years.

21 **Article – Health – General**

22 21–301.

23 (a) In this subtitle the following words have the meanings indicated.

24 (h) (1) “Food service facility” means:

25 (i) A place where food or drink is prepared for sale or service on
26 the premises or elsewhere; or

27 (ii) Any operation where food is served to or provided for the
28 public, with or without charge.

29 (2) “Food service facility” does not include:

1 (i) A kitchen in a private home where food is prepared at no
2 charge for guests in the home, for guests at a social gathering, or for service to
3 unemployed, homeless, or other disadvantaged populations;

4 (ii) A food preparation or serving area where only
5 nonpotentially hazardous food, as defined by the United States Food and Drug
6 Administration, is prepared or served only by an excluded organization; or

7 (iii) A location in a farmer's market where raw agricultural
8 products, as defined in § 21-304(d)(1)(iii) of this subtitle, are sold.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2011.